

10 Official Opinions of the Compliance Board 64 (2016)

**◆ 1(B)(1) MEETING – PRINCIPLES APPLICABLE TO MEETING OF PARTY
CAUCUS WHOSE MEMBERS WOULD CREATE A QUORUM OF
COUNTY DELEGATION**

*Topic numbers and headings correspond to those in the Opinions Index (2014 edition) at https://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Topical_Index.pdf

June 23, 2016

Re: Prince George’s County House Delegation
Craig O’Donnell, *Complainant*

Complainant Craig O’Donnell alleges that the Prince George’s County House Delegation violated the Open Meetings Act on March 25, 2016, when a quorum of its members attended a Prince George’s County Democratic Caucus meeting that was not open to the public. All of the members of the Delegation are members of the Caucus, which is not a public body subject to the Act, and all of the members of the Caucus are members of the Delegation. Complainant asserts that the delegates conducted the Delegation’s business at the Caucus meeting.

The Delegation, by its attorney, responds that it was created by the Rules of the House of Delegates as a select committee for the sole purpose of reviewing local bills affecting Prince George’s County. The response “acknowledges that had [the Delegation] discussed a local bill referred to it, under the [Act], a meeting of the Delegation would have occurred that should be open even if the meeting was designated as a Caucus meeting.” However, the response states, the delegates did not address “local bills” on March 25; instead, they discussed two pieces of hospital legislation that the General Assembly had not categorized as “local” and had not referred to the Delegation. The response identifies those bills as Senate Bill 12, cross-filed as House Bill 1121, and Senate Bill 707, cross-filed as House Bill 1350. The response further states that the Caucus’s chair presided over the meeting, and the Delegation’s chair did not attend it.

The Act applies when a “public body,” as defined by the Act, “meets,” as defined by the Act. At issue here is whether the March 25 gathering was a “meeting” of the Delegation under the Act.

A public body “meets” when a quorum of its members convenes “to consider or transact public business.” § 3-101(g).¹ A public body does not “meet” when a quorum of its members are together on another entity’s business and do not use the occasion to discuss the public body’s own business. *See* Open Meetings Act Manual Chapter 1, § B (2), (3) (summarizing our opinions on meetings held at another entity’s event). The precise question before us, therefore, is whether a quorum of the select committee’s members conducted the select committee’s business at the Caucus meeting.

To answer that question, we look to the House Rules for information on what business lies within the purview of a county delegation in its capacity as a select committee.² Two Rules are relevant. First, House Rule 19 provides: “As bills and resolutions are referred to a county Delegation . . . , that body shall be a select committee.” Maryland House Rules, Regular Session, 2016. Next, House Rule 33 defines the “bills and resolutions” that are to be referred to a county delegation sitting as a select committee: “those of a strictly local nature or amending a particular Code of Public Local Laws, and not having statewide implications. . . .” The bills discussed at the March 25 gathering do not meet these criteria. Senate Bill 12/House Bill 1121 and Senate Bill 707/House Bill 1350 (now enacted as Chapter 420) are not designated as local laws, do not amend the Code of Public Local Laws, and are not restricted in their application to facilities in Prince George’s County. The delegates thus did not discuss the public business of the select committee.

We are aware that House Bill 1018, a local bill pertaining to hospitals in Prince George’s County, had been introduced earlier in the session, had been addressed by the select committee on several occasions, and addressed some of the same subjects as those addressed in the bills that were discussed on March 25. And, the distinction between a “local law” and a Statewide law on the same subject might seem like a nicety, especially when, as happened

¹ Statutory citations are to the General Provisions Article of the Maryland Annotated Code (2014, with 2015 supp.).

² The creation by rule of a legislative committee for a limited purpose is not unique to county delegations; as explained in *Avara v. Baltimore News Am. Div.*, 292 Md. 543 (1982), the Rules of both houses of the General Assembly also require the creation of joint conference committees for the purpose of resolving differences in bills passed by each. *Id.* at 550; *see also, e.g.*, House Rule 21. A committee created by rule for such an express purpose is a “public body” subject to the Act. *Id.* As explained in 80 *Opinions of the Attorney General* 53 (1995), the rules that recognize county delegations as select committees expire at the end of each session. The 2016 Session has ended, as has the life of this county delegation as a select committee.

here, a caucus that consists of the entire county delegation meets at the hour usually appointed for public meetings of the select committee. Nonetheless, the county delegations, when formed and convening as select committees of the House, have only the functions that the House Rules assign to them. Because the bills that the Caucus members discussed on March 25 did not fall within the public business assigned to the select committee, the gathering was not a meeting of the select committee.

In conclusion, the March 25 meeting of the Prince George's County Democratic Caucus was not a "meeting," as defined by the Act, of the Prince George's County House Delegation in its capacity as a select committee of the House, because the Caucus was not conducting the Delegation's own business under applicable House Rules. The Act therefore did not apply to that occasion.

Open Meetings Compliance Board

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